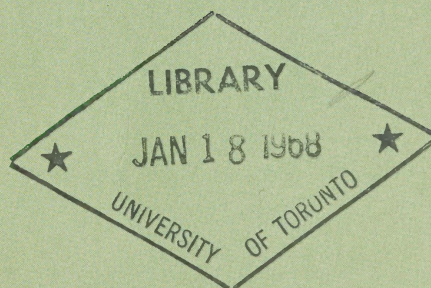


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**CANADA LABOUR
(SAFETY)
CODE**



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THE CANADA LABOUR (SAFETY) CODE

CANADA DEPARTMENT OF LABOUR

Hon. John R. Nicholson
Minister

George V. Haythorne
Deputy Minister

This booklet is intended to be explanatory only. For more particulars and specific provisions, see the copy of the Safety Code affixed to the inside back cover.



ROGER DUHAMEL, F.R.S.C.
Queen's Printer and Controller of Stationery
Ottawa, 1967
Cat. No.: L34-1667

FOREWORD

In response to the enactment by Parliament of the Canada Labour (Safety) Code, the Department of Labour has set in motion a positive program to promote the employment safety and well-being of the many thousands of Canadians working in industries and businesses in the federal field. An improvement in the safety environment in these federal areas will prove to be a sound investment in good administrative and operating practices.

It has been amply demonstrated in other jurisdictions that the control and reduction of accidents at work can be achieved through sustained efforts to meet reasonable standards with adequate inspection and advisory services. We intend to strengthen these traditional tools of accident prevention and develop effective new ones, attuned to present-day requirements. This will be done in collaboration with other public authorities, with safety organizations, and with the industries concerned.

This new Code does not relieve any employer or agency from the obligations it has had in the past to combat injuries on the job. The overall objective of the Code and of our implementation program is to provide a charter through which a co-ordinated offensive can be sustained against suffering, financial loss, and the waste of manpower due to injuries and accidents.

Occupational safety is clearly a tripartite responsibility to be shared by Government — establishing performance criteria and various services to assist in attaining them; by Employers — providing satisfactory working conditions and actively promoting safety; and by Workers — performing their tasks safely and co-operating in demonstrating that the safe way is the efficient way to do any job.

Only through these three vital partners' planning and working together and utilizing all appropriate resources with enlightened skill can a genuine and permanent breakthrough against this persistent problem of occupational hazards be achieved.

The degree of co-operation amongst all agencies concerned that led to the creation of the Code itself augurs well for its successful implementation through the Department's program.

The ultimate success of any accident prevention program depends on many factors, one of the most important of which is a maturity of attitude and action on the part of all those concerned. This, plus effective co-operation, will pay real dividends to both employers and employees and to Canada as a whole.

Hon. John R. Nicholson,
Minister.

George V. Haythorne,
Deputy Minister.

December, 1967

CANADA

LABOUR

(SAFETY)

CODE

Introduction

The new Canada Labour (Safety) Code is essentially an investment in the conservation of Canada's most vital resource — the men and women who produce the goods and services for modern living.

Through this legislation, Parliament has made it possible to provide all those engaged in industries and other enterprises under its jurisdiction with a working environment of minimum risk to their personal well-being.

Being essentially an enabling Act, the new Safety Code is designed to avoid duplicating or supplanting adequate safety provisions in any existing legislation. Its role is complementary, intended to apply principally to those safety matters and employees not already covered by other federal legislation.

In line with its general concern for the rights and welfare of employees coming within federal jurisdiction, the

Canada Department of Labour has been assigned the responsibility of assuring to each man and woman a safe and healthy working environment. To achieve this goal, the Department will work in close co-operation with other governmental departments and services, with appropriate employers and employee groups and with the various industrial accident prevention agencies across the country.

New Approach

The Safety Code is a major advance in employment safety in Canada. In consequence of the extensive preparatory work and reflecting the progress made by other authorities in the field, the statute embodies the best features of contemporary employment safety law. It will have increasingly beneficial impact and significance as the various aspects of the co-ordinated program are developed and implemented.

The Act establishes basic principles and indicates the general scope and method of its application. It does not specify safety and health requirements but does impose general obligations upon both employers and employees. These include meeting realistic performance standards as required through regulations.

It is a comprehensive approach to an old and extremely complicated problem. It provides a broad framework for much constructive activity, but its full potential and effectiveness can only be realized through the genuine interest and collaboration of employers, unions and of the people for whom it is primarily designed — the employees. Through their co-operation and with their direct participation, the incalculable human suffering, losses in production and the ever-increasing costs of employment injury benefits will be reduced.

The federal government's responsibilities in the field of employment safety are similar in many respects to those

of the provinces, and certainly many of the objectives are held in common. There are some areas that are peculiar to the federal domain but in general it can be said that the community of interest between the federal and provincial governments in this field can be advanced effectively only through the co-ordination of their diverse activities.

The continuing and extensive program as contemplated by the new Safety Code will require an investment of time, effort and money on the part of those concerned. In return there will be the positive benefit of greater safety, higher morale and improved operating efficiency through lowered losses in manpower and material.

Coverage

The Safety Code applies to employment in the operation of industries and businesses under federal jurisdiction and in certain Crown corporations. It does not generally apply to employment on, or in connection with the actual operation of ships, trains or aircraft, since these forms of transport are already covered by other Acts of Parliament.

The Safety Code applies to employers and employees in works, undertakings and businesses connecting one province with another province or with another country. (Sec. 3)

Among these are international or interprovincial transport and communication systems, including:

- *railways*
- *highway transport*
- *pipelines*
- *canals*
- *ferries*
- *tunnels and bridges, and*
- *telephones, telegraph and cable systems.*

The Safety Code applies also to:

- *services connected with shipping*
- *radio and television broadcasting*
- *air transport and aerodromes*
- *banks*
- *primary fishing, when the fishermen work for wages.*

The Safety Code covers employment in those works, undertakings or businesses that, although wholly within one province, have been declared by Parliament to be "for the general advantage of Canada, or for the advantage of two or more of the provinces."

Such undertakings include:

- *uranium mining and processing*
- *grain elevators*
- *flour and feed mills*
- *feed warehouses and seed cleaning mills*
- *certain railways operating solely in one province*
- *the Hudson Bay Mining and Smelting Company Limited in the Flin Flon mineral area*
- *the works and undertakings of the Yellowknife Telephone Company.*

The Safety Code will apply to the many federal Crown corporations that are engaged in production, trading or service operations of a commercial or industrial nature.

For example:

- *Cape Breton Development Corporation*
- *Eldorado Mining and Refining Limited*
- *National Harbours Board*
- *Polymer Corporation Limited*
- *St. Lawrence Seaway Authority.*

The Safety Code does not apply directly to the federal Public Service, where working conditions are established by the Government. Following the practice, however, adopted in connection with the Canada Labour (Standards) Code, the Government will, as a matter of policy, see to the application in the Public Service of the principles contained in the Canada Labour (Safety) Code. It will adopt appropriate standards and, with respect to working conditions generally, the Government as an employer will take such measures as employers subject to the Safety Code are required to observe in order to safeguard the safety and health of its employees.

Responsibility of Employer

Each employer subject to the Safety Code will be required in carrying out his operations to ensure the safety and health of all his employees while at work. Employers will also be responsible for adopting and implementing reasonable procedures and techniques to prevent or reduce the risk of employment injury. (Sec. 4)

Responsibility of Employee

Employees coming under the Safety Code must, during the course of their employment, take all reasonable and necessary precautions to ensure their own personal safety and the safety of their fellow employees.

Every employee is required to use any special safety devices, articles of clothing, or equipment that are intended for his protection as may be specified in regulations under the Act. (Sec. 5)

Regulations

The Safety Code authorizes the making of extensive regulations for the safety and health of workers and for the provision of various safety measures. These regulations will be complementary to any provisions or requirements authorized under other Acts of Parliament and will be concerned with those matters that are not otherwise regulated.

The study of the requirement of regulations and the preparation of their contents will be a continuing, major activity of fundamental importance. There will be widespread consultation with those who will be directly affected by the regulations as well as with persons or groups having special knowledge or experience in a particular field.

In addition to the specific matters listed, which are those usually dealt with in industrial safety laws, regulations may be issued on other conditions of work affecting the safety and health of employees. It is intended to incorporate as far as practicable into regulations under the Safety Code appropriate standards and practices now in force in the provinces. On other matters, new standards will be developed where no regulations now exist. (Sec. 7)

Administration

Recognizing the necessity and mutual benefits of continuing close co-operation, consultative and advisory committees of employers and employees and of other groups will be established. These committees will advise the Minister of Labour on matters pertaining to the administration of the Act, assist in the establishment of reasonable safety standards, and make recommendations respecting safe employment practices and programs. (Sec. 8)

During the development of regulations and other aspects of the work under the Safety Code, and with a view toward more effective administration, there will be continuous consultation with federal and provincial government departments, federal enterprises, organized labour and other involved groups. Thus the Canada Department of Labour will be able to benefit from the experience of those who have special knowledge in employment safety and accident prevention matters.

Formal inquiries may be made into particular or general occupational safety problems or situations in any federal undertaking. (Sec. 9)

Safety Officers

The Department's headquarters and regional offices will be staffed by professional engineers and experienced technical officers who will be responsible for implementing the general program and for the provision of competent advisory and consulting services. They will seek to develop and maintain helpful liaison with all those coming under the provisions of the Code.

To the extent that it will be possible to work out mutually satisfactory arrangements with provincial authorities, the Canada Department of Labour does not contemplate establishing an extensive field organization.

It is expected that regular inspections and related functions of enforcement carried out under the Act will be performed by experienced provincial officials, who will be designated as safety officers for the purposes of the Act. Their duties, powers and responsibilities will, in general, be similar to those carried out by provincial inspectorates. In this way, duplication or overlapping of functions in this area will be carefully avoided. (Sec. 10, 11)

Safety Services

Departmental services to be provided under the Canada Labour (Safety) Code include the following:

Advisory services — A general secretariat and conference service will be established in support of the various consultative and advisory groups provided for in the legislation.

Technical consultation — A select staff of engineers, technicians, and others will be available to evaluate situations and conditions and to recommend corrective measures. This has reference not only to existing operations but also to planned or actual changes in work that may have an effect on safety and on in-plant safety programs.

Education and training — General educational and publicity work and the promotion of safety and safe work practices will be provided by the Canada Department of Labour. Co-operatively developed programs will feature emphasis on safety in pre-employment and staff training.

Production of special media to inform both management and employees is an essential part of any general safety program and to be effective must be continuous, imaginative and ever-adapting to new problems in the safety field.

Research — The importance into basic causes of employment accidents and into more efficient methods of promoting occupational safety cannot be over-emphasized. Where appropriate, the Department's research will be done in co-operation with other agencies of the federal government, the provinces, or with any institution or organization having similar interests and possessing suitable facilities.

Inspections — Regular inspections of work places and processes by competent staff is, of course, fundamental to the other safety services provided by the Canada

Department of Labour. Some industries within federal jurisdiction have been following closely existing provincial requirements and practices and they have had the benefit of regular inspection services. In such places it will largely be a matter of ensuring the continuation of these activities but under the authority of the Safety Code.

Enforcement

The nature of offences, the manner of prosecution and the penalties for contravention of the Safety Code or of the regulations are clearly defined and these provisions should be studied carefully. It should be noted that both employers and employees have specific responsibilities and are liable to prosecution for failure to live up to their obligations. (Sec. 20 - 28)

Information and Advice

Principal offices of the Canada Department of Labour where additional information or advice on the Canada Labour (Safety) Code may be obtained:—

HEADQUARTERS:

Accident Prevention and Compensation Branch,
Canada Department of Labour,
Sir Wilfrid Laurier Building,
340 Laurier Avenue West,
OTTAWA, Ontario.

REGIONAL OFFICES:

BRITISH COLUMBIA	— Custom House 1001 West Pender Street VANCOUVER
ALBERTA	— Unemployment Insurance Commission Building, 10210 - 107 Street, EDMONTON.
SASKATCHEWAN	— Brent Building, 2505 - 11th Avenue, REGINA.
MANITOBA	— Mall Centre Building, 491 Portage Avenue, WINNIPEG.
ONTARIO	— Arcade Building, 74 Victoria Street, TORONTO.
QUEBEC	— Postal Station "B" Building, 685 Cathcart Street, MONTREAL.
NEW BRUNSWICK & PRINCE EDWARD ISLAND	— Federal Building, 633 Queen Street, FREDERICTON.
NOVA SCOTIA	— Sir John Thompson Building, 1256 Barrington Street, HALIFAX.
NEWFOUNDLAND	— Sir Humphrey Gilbert Building, Duckworth Street, ST. JOHN'S.

WHY A FEDERAL SAFETY CODE?

- because thousands of employees in the federal sphere do not have protection of safety regulations.
- because there are more than 70,000 employment accidents each year in the federal domain.
- because every other working day someone is killed at work in federal enterprises.
- because costs of these accidents run into tens of millions of dollars annually.
- because there is an obvious need for co-ordination and co-operation between provincial and federal safety authorities.
- because those Canadians employed in the federal jurisdiction have a right to expect a high standard of safety on the job.



CANADA DEPARTMENT OF LABOUR